



Indiana Judicial Nominating Commission
30 South Meridian Street
Suite 500
Indianapolis, IN 46204
(317) 232-4706

APPLICATION
FOR THE
INDIANA SUPREME COURT

(SEE INSTRUCTIONS)
Deadline – Wednesday, June 30, 2010

I. Provide your:

A. Full legal name and any former names.

My full legal name is Clare Therese Kraegel Nuechterlein.

I was Clare Therese Kraegel from birth to August 10, 1974.

I have been Clare Kraegel Nuechterlein since August 10, 1974.

B. Current home and office addresses, including email addresses and telephone numbers.

My home address is

My mailing address is

My office address is Valparaiso University School of Law, Wesemann Hall,
656 S. Greenwich St., Valparaiso, IN 46383.

E-mail addresses:

Telephone numbers:

Home

Please contact me at this number

Work (academic year, August – May): 219.465.7948

Mobile:

C. Date and place of birth.

I was born on February 2, 1950, in Rochester, New York.

D. Complete a State Police release form printed on green paper. Include the release only with the original application and not with the copies.

II. Attach a recent photograph of you to the front of the original application and to each copy of your application.

III. A. State in what county you currently reside and since what date.

I currently reside in St. Joseph County, Indiana, and have lived here since January 25, 2000.

B. List all previous counties of residence, with dates.

I lived in Porter County, Indiana, from August 1968 to July 1976.

I lived in St. Joseph County, Indiana, from July 1976 to July 1978.

I lived in Elkhart County, Indiana, from July 1978 to April 1983.

C. When were you admitted to the Indiana Bar?

I was admitted to the Indiana Bar in May 1979.

D. Are you currently on active status?

No. I am currently a law school professor and not practicing law.

E. What is your attorney number?

My attorney number is 9682-98.

IV.

A. List below all colleges and universities you attended other than law schools. Attach a certified transcript from each to the original application and attach copies of each transcript to each application copy. (If your social security number is on your transcripts, redact it before copying.) (Transcripts are attached at Tab A.)

<u>School</u>	<u>Dates Enrolled</u>	<u>Degree or Certificate</u>
Valparaiso University	August 1968 – May 1972	B.A. in English
Valparaiso, Indiana		

Valparaiso University June 1973 – May 1975 M.A. Liberal Studies
Valparaiso, Indiana

B. List below all law schools and post-J.D. programs attended. Attach a certified transcript from each to the original application and attach copies of each transcript to each application copy. (If your social security number is on your transcripts, redact it before copying.)

<u>School</u>	<u>Dates Enrolled</u>	<u>Degree and Class Rank</u>
Valparaiso University	Aug. 1976 – Dec. 1978	Juris Doctorate
School of Law		
Notre Dame Law	Summer 1977	(summer classes)
School		

C. Describe any academic honors, awards, and scholarships you received and when.

I attended college from 1968 to 1972 on a four-year academic full-tuition scholarship.

V. A. Provide your employment history since graduation from college, including titles or positions, locations, and dates.

August 1972 – August 1976:

Valparaiso Community Schools
Valparaiso, Indiana
Junior High Language Arts Teacher

I was a classroom teacher of seventh grade Language Arts, and I have an Indiana Life License as a secondary English teacher.

Summer 1977:

Law student intern
Legal Services of St. Joseph County
South Bend, Indiana

Summer 1978:

Law student intern
Yoder, Ainlay, Ulmer, and Buckingham
Attorneys at Law
130 N. Main St.
Goshen, IN 46527

January 1980 – April 1983:

City Attorney of Goshen, Indiana
City Hall
202 S. 5th Street
Goshen, Indiana 46528

As City Attorney, I was counsel to the Mayor and City Council. I drafted proposed city ordinances, and I coordinated litigation in which the city was a party. I reviewed city contracts for goods and services. I was also a member of the Board of Public Works and Safety, along with the Mayor and City Engineer.

August 1986 – May 1989:

Attorney-Advisor
United States Department of Education
Office for Civil Rights
400 Maryland Ave. SW
Washington, D.C. 20202

I was an attorney-advisor in the policy division of the Office for Civil Rights. For part of my tenure, I was detailed to the office of the Presidentially-appointed Assistant Secretary for Civil Rights where I worked on drafting federal education policies. I also provided legal counsel on federal anti-discrimination statutes and potential violations of those statutes at colleges, universities, and secondary and primary schools.

June 1989 – January 2000:

United States Department of Justice
United States Attorney's Office for the
Eastern District of California
501 I Street
Sacramento, California 95814

Assistant United States Attorney

I practiced federal civil litigation in the United States District Court for the Eastern District of California and in the Ninth Circuit Court of Appeals. I have extensive litigation experience in defensive tort cases, civil rights cases, employment discrimination cases, federal programs cases, and social security disability cases. I also developed a special area of concentration and expertise in affirmative civil money laundering and asset forfeiture litigation.

I served as an instructor at the U.S. Department of Justice's National Advocacy Center in Columbia, South Carolina, and as a state-certified instructor for the California District Attorney's Association.

I represented the United States *inter alia* in *United States v. Real Property Commonly Known as the Lido Motel*, 135 F.3d 1312 (9th Cir. 1998), cited to and followed by the United States Supreme Court in *Dusensbery v. United States*, 122 S.Ct. 694 (2002).

I represented the United States in lawsuits against twenty-five Indian gaming casinos located on tribal lands in California, alleging violations of the Indian Gaming Regulatory Act, 25 United States Code Section 2701 *et seq.*

I was honored and recognized by the United States Department of Justice, Criminal Division, Asset Forfeiture and Money Laundering Section, in December 1999, and by the California District Attorney's Association in January 2000, for Superior Performance.

June 2001 to August 2005:

Case editor, *Federal Forfeiture Guide*
James Publishing, Costa Mesa, California

The *Federal Forfeiture Guide* is a national publication for judges, academics, and practitioners in the field of federal civil and criminal forfeiture law. As the sole case editor, I was responsible for surveying all federal forfeiture case law. I wrote summaries of the cases that I selected for publication in the *Guide*. I synthesized the cases within a detailed subject matter outline for ease of research.

August 2002 to present:

Valparaiso University School of Law, Valparaiso, Indiana

Assistant Professor (August 2002 – June 2010)
Distinguished Practitioner in Residence (June 2010 to present)

I teach a first-year two-semester course titled Legal Writing, Reasoning, and Appellate Advocacy. I also developed and facilitate a small-group third-year student

seminar titled Shakespeare and the Law, and I have taught upper division students a litigation class titled Pretrial Skills.

Summers 2004 and 2009:

Director and Professor
Law School Summer Program in London and Cambridge, England
Class: Shakespeare and the Law, which I developed

Summers 2002 and 2006:

Indiana Conference for Legal Education Opportunities (ICLEO) Program sponsored by the Indiana Supreme Court

I taught a section of Legal Writing and Reasoning in this 'boot camp' for incoming first-year law students.

Augusts 2004 to 2010:

I taught in Valparaiso Law's Academic Success Program for incoming first-year students.

June 2005 – October 2007:

Member, Indiana State Ethics Commission

October 2007 – present:

Chairwoman, Indiana State Ethics Commission

I chair the monthly meetings in Indianapolis of the five-member bipartisan Indiana State Ethics Commission, during which the Commission issues Formal Advisory Opinions requested by former and current state executive and administrative agency employees, as well as former and current state special appointees.

In executive session, the Commission acts in a quasi-judicial capacity when it considers Probable Cause affidavits regarding Complaints presented by the Inspector General. I am the Presiding Officer at all administrative hearings that the Commission conducts. In these hearings, I rule on objections regarding evidence and procedure. In executive session, I preside during the Commission's deliberations, and I supervise the Commission's drafting of its Final Report including Findings of Fact and Conclusions of Law.

B. If applicable, describe the nature and extent of your practice of law, present and former, and provide the names of your partners, associates, office mates, and employers.

I have been a licensed member of the Indiana Bar for 31 years. My career has included the three traditional areas of the legal profession: (1) the bar, as the City Attorney of Goshen, Indiana, as an attorney-advisor in the United States Department of Education, Washington, D.C., and as a trial attorney at the United States Department of Justice, United States Attorney's Office, Sacramento, California; (2) the academy, as a law professor at Valparaiso University School of Law, Valparaiso, Indiana; and (3) the bench, as the quasi-judicial presiding hearing officer at adjudicative hearings before the Indiana State Ethics Commission. Please refer to my employment history above describing my practice of law at my various positions.

As City Attorney of Goshen, Indiana, from 1980 – 1983, I was appointed and supervised by Mayor Max Chiddester.

At the United States Department of Education, Office for Civil Rights, Washington, D.C., I was supervised by Ms. Jean Peelen and Ms. Cathy Lewis.

At the United States Attorney's Office for the Eastern District of California, Sacramento, California, I was hired by Mr. David Levi, the United States Attorney, as an Assistant United States Attorney (trial attorney). He is now Dean of the Duke University School of Law. His contact information is Dean David F. Levi, Duke University School of Law, Room 2012, Box 90362, Durham, North Carolina 27708-0360, telephone: 919.613.7001. He welcomes a call from the Commission. One of my attorney colleagues with whom I worked closely is Assistant United States Attorney Kristin Door, who is also one of my professional references at VIII.A.

At Valparaiso University School of Law, I was hired by Dean Jay Conison, who may be contacted at Wesemann Hall, 656 S. Greenwich St., Valparaiso, Indiana 46383, telephone 888.825.7652. My closest writing professor colleagues are Professor Ruth Vance and Professor Susan Stuart, who may be reached at the same address and phone number as Dean Conison.

C. Describe the extent of your jury experience, if any.

I was the elected forewoman of a civil jury in a paternity case in Porter County, Indiana, in summer 1976.

D. If applicable, describe the nature and extent of your judicial experience, including a description of your experience presiding over jury trials, if any.

My quasi-judicial experience is as the Presiding Officer at public administrative hearings before the Indiana State Ethics Commission. The hearings are without a jury. The Commission functions as grand jury in executive session to consider probable cause findings based on Affidavits submitted by the Inspector General. At public administrative adjudicative hearings, I am the presiding Hearing Officer as the Commission takes evidence and testimony. I rule on objections regarding evidence and procedure. Afterward, in executive session, the Commission deliberates and determines the contents of the Final Report, which Report is adopted at the next public meeting. I have presided over approximately eight public hearings before the Commission.

- VI. A. If applicable, list by caption, case number, and filing date up to five of your trial or appellate briefs and/or written judicial opinions.

Appellate Briefs:

United States v. Real Property Located in El Dorado County, at 6380 Little Canyon Road, Ninth Circuit Court of Appeals Case No. 93-15982, brief filed September 28, 1993

United States v. Real Property Located in Fresno County, Commonly Known as the Lido Motel, Ninth Circuit Court of Appeals Case No. 96-15720, brief filed September 5, 1997

Perry A. McCullough v. Thomas T. Couris and John White, Ninth Circuit Court of Appeals Case No. 97-17291, brief filed April 8, 1998

Written Quasi-Judicial Final Reports before the Indiana State Ethics Commission:

In the Matter of Vaneeta Kumar, Case No. 2005-01-0271, dated October 12, 2006

In the Matter of Michael Latham, Case No. 2007-06-0121, dated March 13, 2008

- B. If applicable, list up to five legislative drafts or court rules you have written or to which you contributed significantly. Refer to them by official citation, by date, and by subject matter.

None

- C. If applicable, list up to five of your contributions to legal journals or other legal publications. Provide titles, official citations, and a brief description of the subject matter.

As noted in my employment history on page five, I was the sole editor of the *Federal Forfeiture Guide* from 2001 – 2005. See *Federal Forfeiture Guide, Fourth Edition, Volume I, Cases through March 2003*, published by James Publishing, Inc., 3520 Cadillac Avenue, Suite E, Costa Mesa, California 92626. (Sample excerpt from the *Guide* is attached at Tab B)

D. Include with your application copies of any four of the written materials listed above in Section VI. A., B., and C.

A copy of my brief in *United States v. Real Property Located in El Dorado County, at 6380 Little Canyon Road*, Ninth Circuit Court of Appeals Case No. 93-15982, filed September 28, 1993, and a copy of the Ninth Circuit's published opinion reported at 59 F.3d 974 (9th Cir. 1995) are attached at Tab C.

A copy of my brief in *United States v. Real Property Located in Fresno County, Commonly Known as the Lido Motel*, Ninth Circuit Court of Appeals Case No. 96-15720, brief filed September 5, 1997; a copy of the Ninth Circuit's published opinion reported at 135 F.3d 1312 (9th Cir. 1998); and, a copy of *Dusenbery v. United States*, 534 U.S. 161, 122 S.Ct. 694 (2002) in which the *Lido Motel* case was cited to and followed by the United States Supreme Court at footnote 3, page 167, are attached at Tab D.

A copy of my brief in *Perry A. McCullough v. Thomas T. Couris and John White*, Ninth Circuit Court of Appeals Case No. 97-17291, brief filed April 8, 1998, and a copy of the Ninth Circuit unpublished opinion cited as 152 F.3d 927 (9th Cir., 1998), 1998 WL 415484 are attached at Tab E.

A copy of the Indiana State Ethics Commission Final Reports *In the Matter of Vaneeta Kumar*, Case No. 2005-01-0271, dated October 12, 2006, and *In the Matter of Michael Latham*, Case No. 2007-06-0121, dated March 13, 2008, are attached at Tab F.

E. Describe the nature and extent of any *pro bono* legal services you have contributed.

I was a volunteer law student intern at Legal Services of St. Joseph County, Indiana, during summer 1977. In September 1987, I developed a presentation explaining the United States Constitution that I presented to my children's elementary school on the 200th anniversary of the Constitution. United States Education Secretary William Bennett commended me in writing for the presentation. As an Assistant United States Attorney from 1989 to 2000, I was restricted from doing *pro bono* legal work.

F. Identify the five most significant legal matters entrusted to you whether as a judge or lawyer, and describe why you believe them to be so.

The most significant single case that I litigated as an Assistant United States Attorney was *United States v. Real Property Located in Fresno County, Commonly Known as the Lido Motel*, 135 F.3d 1312 (9th Cir. 1998). This case involved an issue of the first impression before the Ninth Circuit concerning Fifth Amendment procedural due process. The issue concerned the adequacy of notice of the lawsuit to a jailed inmate, who was a potential claimant in the forfeiture action as the owner of the defendant *in rem* Lido Motel. In its opinion, the Ninth Circuit adopted my arguments for the adequacy of the notice to the inmate and affirmed the trial court's grant of summary judgment to the United States. The Court's opinion was later cited with approval and followed by the United States Supreme Court in *Dusenbery v. United States*, 534 U.S. 161, 122 S.Ct. 694 (2002) at footnote 3, page 167.

One of the more significant cases that I litigated outside the forfeiture area is *Perry A. McCullough v. Thomas T. Couris and John White*, Ninth Circuit Court of Appeals Case No. 97-17291, brief filed April 8, 1998. I litigated this *Bivens* action in federal district court where I was successful in obtaining a summary judgment. (A *Bivens* action is the United States Supreme Court-created equivalent of a statutory state Section 1983 action, in which the defendants face potential personal liability.) Mr. Couris was a long-time federal prosecutor, and Mr. White was a long-time FBI Special Agent. Together they had investigated and successfully prosecuted Mr. McCullough, a major narcotics trafficker who was serving a sentence of more than thirty years in federal prison. I believe this litigation to be important because prosecutors and investigators need to be protected against personal liability litigation brought by those felons they have successfully prosecuted.

One of the most significant cases during my tenure as Chair of the Indiana State Ethics Commission is *In the Matter of Subhen Ghosh*. Mr. Ghosh, a former state employee, appeared at a five-hour-long administrative hearing before the State Ethics Commission in January 2007, in which I was the presiding Hearing Officer. Following the hearing, the Commission issued its Final Report finding that Mr. Ghosh had violated Indiana Code Section 4-2-6-9(a), because he financially benefitted when he used a state-issued credit card to purchase gasoline at a gas station in which he had a financial interest. Mr. Ghosh appealed the Commission's Report, and the case of *Subhen Ghosh v. Indiana State Ethics Commission and Office of the Inspector General*, Case No. 32S 01-0812-CV-504, is currently pending before the Indiana Supreme Court. I believe this case is significant because the Supreme Court is likely to clarify the Commission's authority to interpret and enforce Indiana ethics statutes and administrative rules.

In the Matter of Michael Latham, Case No. 2007-06-0121, Final Report dated March 13, 2008. In this matter, the State Ethics Commission held an administrative hearing at which I presided as Hearing Officer. Mr. Latham's former employers at FSSA had accused him of ghost employment. Mr. Latham is the Pastor at a Baptist

church in Fort Wayne, Indiana, and had been employed by FSSA on a part-time basis as a chaplain to families in distress. I believe this case is significant because, following the administrative hearing at which FSSA presented no testimony or witnesses, the Commission's Final Report cleared Mr. Latham of the charges. This case represents to me the importance of deciding a case based solely on the basis of the evidence presented, including the credible testimony of Mr. Latham who represented himself before the Commission.

I believe that my current position as a law school professor is a calling to instill in students both marketable legal research, writing, and advocacy skills, as well as important values of the profession including honesty, candor, integrity, and confidentiality. As both professor and mentor, I am presented daily with opportunities to assist students in reaching their personal and professional goals and becoming contributing members of the legal profession.

G. Provide the names, addresses, and telephone numbers of three attorneys who have been your professional adversaries in your practice or who have litigated substantial cases in your court and who would be in positions to comment on your qualifications for appointment to the Indiana Supreme Court.

Opposing counsel:

The Honorable Dale A. Drozd
United States Magistrate Judge
Eastern District of California
501 I St.
Sacramento, California 95814
916.930.4000
(formerly private practice attorney)

Mr. Clyde Blackmon
Blackmon and Snellings
Attorneys at Law
813 6th St # 450
Sacramento, California 95814
916. 441.0824

Counsel before the Indiana State Ethics Commission:

Mr. Harry Gonso
Attorney at Law
Ice Miller LLP
One American Square
Suite 2900
Indianapolis, Indiana 46282-0200

- VII. A. Describe your efforts, achievements, or contributions (including written work, speeches, or presentations) toward the improvement of the law, the legal system, or the administration of justice.

I was elected by the Valparaiso University School of Law Class of 2010 to be their Class Advisor, in which capacity I delivered remarks titled *Justice, Mercy, Humility*, during their Commencement ceremony on May 22, 2010. (A copy of my remarks is attached at Tab G.)

I served as Chair of the Valparaiso Law Martin Luther King, Jr. Day Committee from 2002 – 2005. Each year in mid-January, Valparaiso Law commemorates Dr. King's contribution to justice in the United States with three or four days of events, including speeches, mock trials, movies, panel discussions, and dramatic readings.

- B. Describe your efforts, achievements, or contributions (including written work, speeches, or presentations) concerning civic, political, or social issues.

For the fourteen years when I was a federal government attorney (1986 – 2000), I was prohibited by the federal Hatch Act from engaging in political activity other than voting. I have likewise limited my political and social activity as Chair of the Indiana State Ethics Commission, in acknowledgement of the public perception of that position not being politically focused.

- C. List any memberships and offices you have held in civic or charitable organizations, including dates and descriptions of the purposes of the organizations and of your involvement.

Charitable Service:

St. Peter Lutheran Church
Mishawaka, Indiana

I have served on a variety of church committees, including mostly recently on the Nominating Committee for new members of the church leadership team.

Town and Country Lutheran School
Sacramento, California

I was Vice President of the School Board from 1990 – 1994.

- D. List any memberships and offices you have held in professional organizations, including dates and descriptions of the purposes of the organizations and of your involvement.

Bar Memberships and Professional Organizations:

Indiana Supreme Court
United States Court of Appeals for the Seventh Circuit
United States Court of Appeals for the Ninth Circuit
United States District Court for the Northern District of Indiana
United States District Court for the Southern District of Indiana
United States District Court for the Eastern District of California
American Bar Association
Indiana State Bar Association
The Legal Writing Institute, a professional organization of more than 1,000 Legal Writing professors and other professionals

I have not held office in any of the professional organizations listed above.

Other Professional Service:

President, Valparaiso University School of Law Alumni Association, 2001 - 2005
Chair, Steering Committee, Valparaiso Law 125th Anniversary Gala, held May 2, 2003 at the Field Museum in Chicago, Illinois
Faculty Advisor, Moot Court Society, Valparaiso University School of Law
Faculty Advisor, J. Reuben Clark Law Society, Valparaiso University School of Law
Faculty Advisor, Hellenic Bar Association, Valparaiso University School of Law

- E. List any memberships you hold in social clubs or organizations. If any restrict its membership on the basis of race, sex, religion, or national origin, please describe your efforts within the organization to eliminate restrictions.

I do not belong to any social clubs or organizations.

- F. Indicate your experience teaching law, and provide the dates, names of institutions or programs, and a description of the subject matter taught.

As indicated in my employment history at Section V.A. herein, I was an instructor with the United States Department of Justice's National Advocacy Center, in which I instructed new civil trial attorneys and prosecutors in the complex area of asset forfeiture investigations and litigation. I was also a state-certified instructor with the California District Attorneys Association, teaching state prosecutors and investigators about the interplay between state and federal forfeiture statutes and case law.

Since August 2002, I have been a law professor at Valparaiso University School of Law Valparaiso, Indiana. My classes include first-year Legal Writing, Reasoning, and Appellate Advocacy, upper division Pretrial Skills, and a third-year interdisciplinary seminar Shakespeare and the Law. A fuller description of my teaching experience is included in my employment history at Section V.A. herein.

G. Describe your hobbies and other leisure activities.

I enjoy spending time with my husband, _____, and our children, son _____ and his wife, _____, and their children, _____ and daughter _____ and her husband, _____. I also enjoy reading a variety of literature, including novels, plays, and non-fiction; reading and studying the works of William Shakespeare; traveling the United States and the world; attending opera performances; gardening; and, eating out with friends.

VIII. A. Provide names, addresses, and telephone numbers of three professional references other than those listed in Section VI. G.

Ms. Kristin S. Door
Assistant United States Attorney
United States Attorney's Office for the Eastern District of California
501 I Street
Sacramento, California 95814
916.554.2723

Dean Jay Conison
Valparaiso University School of Law
Wesemann Hall
656 S. Greenwich St.
Valparaiso, Indiana 46383
888.825.7652

Ms. Priscilla Keith
Attorney at Law
Commissioner, Indiana State Ethics Commission
7657 Prairie View Lane
Indianapolis, Indiana 46256
317.577.1521

B. Provide names, addresses, and telephone numbers of three personal references other than those listed in VI. G.

The Honorable V. Sue Shields
Former Commissioner, Indiana State Ethics Commission

206 Sand Brook Circle
Noblesville, Indiana 46062
H: 317.867.5911
M: 317.418.5394

Ms. Paula Silsby
United States Attorney
District of Maine
75 Chenery St.
Portland, Maine 04103
H: 207.773.3917

Mr. John Ulmer
Attorney at Law
Yoder, Ainlay, Ulmer and Buckingham
130 N. Main St.
Goshen, Indiana 46527
574.533.1171

NOTE: I practiced law exclusively in federal district (trial) court and the Ninth Circuit Court of Appeals. The federal Code of Judicial Ethics prohibits federal judges from providing Letters of Recommendation for applicants such as myself for positions within the law profession.

C. List any lawsuits or legal proceedings in any jurisdiction, including bankruptcies and dissolutions, to which you have been a party. Provide dates, case numbers, names of other parties, and, if needed, a brief explanation.

I have not been a party in any lawsuit or legal proceeding, including bankruptcy or dissolution. Please note that as Chair of the Indiana State Ethics Commission, I was involved in the proceedings and decision-making underlying the facts in *Subhen Ghosh v. Indiana State Ethics Commission and Office of the Inspector General*, Case No. 32S 01-0812-CV-504, which is currently pending before the Indiana Supreme Court.

D. If you ever have been arrested or cited for any violation of the law other than for routine traffic violations, provide dates, jurisdictions, and an explanation of the event and its resolution.

I have never been arrested or cited for any violation of the law other than for minor traffic violations.

E. If you are or have been a member of the Bar of any other state, identify the jurisdiction and provide dates.

I have never been a member of the Bar of any state other than Indiana.

F. If you have been disciplined or cautioned, formally or informally, by the Indiana Supreme Court Disciplinary Commission, by the Indiana Commission on Judicial Qualifications, by the Indiana Supreme Court, or by similar entities in any other jurisdiction, identify each instance by date, case number if applicable, and describe the circumstances and the nature of the outcome or resolution.

I have never been disciplined or cautioned, formally or informally, by the Indiana Supreme Court Disciplinary Commission, by the Indiana Commission on Judicial Qualifications, by the Indiana Supreme Court, or by similar entities in any other jurisdiction.

G. If you have any outstanding federal, state, or local tax obligations, please itemize and explain.

I have no outstanding federal, state, or local tax obligations.

IX. A. Attach a recent statement from your physician describing your general physical condition.

B. Within the past three years, have you been diagnosed or treated for an emotional or mental condition or illness, including any condition that involves treatment for drug or alcohol use? If so, provide the dates of assessment and/or treatment and the names and addresses of your doctors or other treatment providers.

- C. Are you able to perform the essential functions of Justice on the Indiana Supreme Court, with or without accommodation?

Yes, I am able to perform the essential functions of Justice on the Indiana Supreme Court without accommodation.

WAIVER AND STATEMENT OF CONSENT

The undersigned applicant authorizes the release to the Indiana Judicial Nominating Commission or its staff or agents any records, reports, and documents, whether or not otherwise confidential, which may be requested by the Commission in the performance of its evaluations of candidates pursuant to I.C. § 33-27-3-2. The scope of this authorization extends to, but is not necessarily limited to, requests from the Commission for Federal, State or local tax records, criminal and driving histories from any jurisdiction, attorney and judicial disciplinary records from any jurisdiction, whether pending or closed, and credit reports and histories. The undersigned releases and discharges the Judicial Nominating Commission, its individual members, its employees, agents and representatives, the Indiana State Police, the Indiana Department of Revenue, the Indiana Supreme Court Disciplinary Commission and any other agency or person or their agents or representatives providing information to the Commission from any and all liability arising from the furnishing and use of information concerning the undersigned applicant.

The undersigned agrees and understands that the Indiana Judicial Nominating Commission or its members, agents, or employees, may interview or otherwise consult with members of the legal, judicial, and general community concerning the professional qualifications and the integrity of the applicant, that the name of the applicant will be released by the Commission upon its receipt of the application and this waiver, and that if, pursuant to I.C. § 33-27-3-2(d), the applicant is given further consideration as a candidate after the Commission's initial screening of candidates, or if no such screening occurs and all applicants are considered, the application will be made public. This waiver does not constitute an election by the applicant pursuant to I.C. § 33-27-3-2(g)(3)(C) to authorize the release of investigatory records which are excepted from public inspection pursuant to I.C. § 33-27-3-2(g)(1) and (2).

The undersigned agrees to immediately supplement this application upon any event or circumstance substantially affecting any answer provided in the application.

The undersigned acknowledges having read the Instructions attached to the application.

The undersigned agrees to resign from office or membership in any political organization upon submission of this application.

The undersigned affirms that, if nominated by the Judicial Nominating Commission to the Governor and thereafter appointed to this judicial office, the candidate will accept the appointment.

June 26, 2010
DATE

Clare Kraegel Nuechterlein
CLARE KRAEGEL NUECHTERLEIN
APPLICANT'S SIGNATURE

Clare Kraegel Nuechterlein
CLARE KRAEGEL NUECHTERLEIN
APPLICANT'S PRINTED NAME